



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/204,102	12/01/1998	HENRY H. HOUH	NBX-007-6611	5040

23872 7590 08/28/2002

MCGLEW & TUTTLE, PC
SCARBOROUGH STATION
SCARBOROUGH, NY 10510

EXAMINER

HARPER, KEVIN C

ART UNIT	PAPER NUMBER
----------	--------------

2664

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/204,102

Applicant(s)

HOUH ET AL.

Examiner

Kevin C. Harper

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,15,17-23,25-27,29-31 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15,17-23,25-27 and 29 is/are allowed.
- 6) ☒ Claim(s) 34-35 is/are rejected.
- 7) ☒ Claim(s) 1,3-13,30,31 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 15 November 2000 is: a) ☒ approved b) ☐ disapproved by the Examiner
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Objections

1. Claims 1, 2-13 and 30-31 are objected to because of the following informalities: In independent claims 1 and 31, "content of the data" should be --type of data--. Appropriate correction is required.

Drawings

2. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 11/15/00 have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills (US 5,991,303) in view of Chuah (US 6,327,254).

3. Regarding claims 34, Mills discloses a method of forwarding packets comprising providing a device with a local data packet source (Figures 5, item 280; Figure 7, item 116), where the device is connected to at least two collision domains (abstract, last eight lines). However, Mills does not disclose that the local source is an audio source. One skilled in the art would recognize that computers are typically used to transmit audio (voice) data over a network. Therefore, it would have been obvious to one skilled in the art at the time the invention was

Art Unit: 2664

made to have local audio transmitted in the invention of Mills as a matter of design choice.

Further, Mills does not disclose storing the packet nor forwarding the packet using time limits as claimed. Chuah discloses a method of forwarding packets to a network (Figure 2). A packet forwarding system (Figure 2, items 232; col. 8, lines 15-20; Figure 11, items 1104 and 1106) creates local data packets (abstract, lines 1-5) and has a memory for storing packets (abstract, lines 19-26). The system attempts to forward the packets stored in the memory to the network (abstract, lines 20-26) and establishes a time limit to do so (col. 18, line 64 through col. 19, line 2). The system monitors the elapsed period of time while attempting to forward the packet, cancels attempts to forward the packet stored in memory (col. 19, lines 2-5), and replaces the packet stored in memory with a new packet (abstract, lines 22-26; col. 19, lines 2-5) when the time limit is reached. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to provide a time limit for forwarding audio packets in the invention of Mills in order to avoid a long delay in transmitting audio (voice) data.

4. Regarding claim 35, Mills in view of Chuah does not disclose that the local audio source is a telephone. One skilled in the art would recognize that data telephones are typically provided in order to transmit audio data packets over a network. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a data telephone connected to the packet forwarding device of Mills in view of Chuah as a matter of design choice. Further, Mills in view of Chuah does not disclose that the first collision domain is one of a local area network, wide area network, or an internet protocol network, nor that the second collision domain is a connected computer device. One skilled in the art would recognize that various types of collision domains are used to transmit data and that a collision domain may be

Art Unit: 2664

connected to a single computer. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have one of a local area network, wide area network, or an internet protocol network as a first collision domain and to have a computer connected to a second collision domain in the invention of Mills in view of Chuah as a matter of design choice.

Allowable Subject Matter

5. Claims 1, 3-13, 15, 17-23, 25-27 and 29-31 are allowed.
6. Claim 36 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maxemchuk (US 4,516,239) discloses a system for reducing delay in voice transmissions using CSMA/CD.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

Art Unit: 2664

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays, except Wednesday, from 8:00 AM to 6:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached at 703-305-4366. The fax number for Technology Center (TC) 2600 is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office for TC 2600 at 703-306-0377.

Kevin C. Harper



August 24, 2002

KWANG BIN YAO
PRIMARY EXAMINER

